

Expedited Consideration Requested

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

E.I. DUPONT DE NEMOURS & COMPANY

Complainant,

v.

NORFOLK SOUTHERN RAILWAY COMPANY

Defendant.

SUNBELT CHLOR ALKALI PARTNERSHIP

Complainant,

v.

NORFOLK SOUTHERN RAILWAY COMPANY

Defendant.

Docket No. NOR 42125

233906

233907

ENTERED

Office of Proceedings

March 5, 2013

Part of

Public Record

Docket No. NOR 42130

**COMPLAINANTS' JOINT MOTION TO
MODIFY THE PROCEDURAL SCHEDULE**

E.I. du Pont de Nemours and Company ("DuPont") and SunBelt Chlor Alkali Partnership ("SunBelt") (collectively, "Complainants")¹ hereby request that the Board modify the procedural schedules previously adopted by the Board in their respective proceedings.² Complainants request expedited consideration of this Motion because the next filing date is in just 23 days, for DuPont's Rebuttal Evidence. Counsel for Defendant, Norfolk Southern Railway Company ("NS"), has authorized Complainants' counsel to represent that NS takes no position on this Motion and does not intend to file a Reply.

¹ Complainants are filing this motion jointly because they are represented by the same counsel and their requests are related.

² The current procedural schedules were adopted in decisions served on September 11, 2012, in Docket 42125, and on December 7, 2012, in Docket 42130.

Expedited Consideration Requested

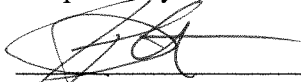
Complainants request that the Board modify their procedural schedules to establish the following due dates:

	<u>DuPont (Dkt. 42125)</u>	<u>SunBelt (Dkt. 42130)</u>
Rebuttal Evidence	April 15, 2013	June 3, 2013
Final Briefs	June 14, 2013	July 19, 2013

Complainants request this extension for the following reasons. First, NS has presented complex and extensive Reply Evidence in both proceedings, which requires more time to review and evaluate than initially anticipated. Second, multiple issues associated with NS's use of the MultiRail software in both proceedings have resulted in unanticipated delays and diversion of resources.³ Third, previous modifications to the procedural schedules requested separately in each of these dockets have resulted in only a one week separation between the current due dates for the submission of rebuttal evidence in Docket 42130 and final briefs in Docket 42125. Therefore, Complainants seek a modest extension of 2½ weeks in both cases for the submission of rebuttal evidence and slightly lengthier extensions for the submission of final briefs.

For the foregoing reasons, the Board should modify the procedural schedule by adopting the due dates indicated above.

Respectfully submitted,



Jeffrey O. Moreno
Jason D. Tutrone
Thompson Hine LLP
1919 M Street, N.W., Suite 700
Washington, D.C. 20036

*Counsel for E.I. du Pont de Nemours and
Company & SunBelt Chlor Alkali
Partnership*

Dated: March 5, 2013

³ See "Norfolk Southern Railway Company's Petition for Clarification" (filed Jan. 25, 2013) (a consolidated filing in Dkts. 42125 and 42130) and "Complainants' Joint Reply" (filed Feb. 14, 2013).

Expedited Consideration Requested

CERTIFICATE OF SERVICE

I hereby certify that on this 5th day of March 2013, I served a copy of the foregoing
Complainants' Joint Motion to Modify the Procedural Schedule, by email and U.S. mail, upon:

G. Paul Moates
Sidley Austin LLP
1501 K Street, N.W.
Washington, D.C. 20005



Jason D. Tutrone